

Attorney Docket No.: 43889-951  
PATENT



In re Application of  
Koji ERIGUCHI, et al.

Serial No.: 09/610,640  
(DIV of SN: 08/965,892)

Filed: July 05, 2000

#9  
For: APPARATUS AND METHOD FOR OPTICAL EVALUATION, APPARATUS AND  
METHOD FOR MANUFACTURING SEMICONDUCTOR DEVICE, METHOD OF  
CONTROLLING APPARATUS FOR MANUFACTURING SEMICONDUCTOR  
DEVICE, AND SEMICONDUCTOR DEVICE

Group Art Unit: 2825

Examiner: C. EVERHART

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PROGRAMS EXAMINER

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENT  
REJECTION OVER A PRIOR PATENT

Hon. Assistant Commissioner for Patents  
Washington, D. C. 20231

Sir:

The owner, MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD., of 100 percent interest  
in the instant application hereby disclaims, except as provided below, the terminal part of the  
statutory term of any patent granted on the instant application, which would extend beyond the  
expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently  
shortened by any terminal disclaimer, of prior Patent Nos. 6,395,563. The owner hereby agrees that  
any patent so granted on the instant application shall be enforceable only for and during such period  
that it and the prior patent are commonly owned. This agreement runs with any patent granted on  
the instant application and is binding upon the grantee, its successors or assigns.

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In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later; expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

The undersigned is an attorney of record and therefore the certification under 37 CFR 3.73(b) is not required.

Please charge the terminal disclaimer fee of \$110.00 to Deposit Account 500417.

Respectfully submitted,

MCDERMOTT, WILL & EMERY

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Date: 4/6/02

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